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Western Barotseland.

THE Treaty signed with Portugal in 1890, but rejected by the Portuguese Cortes, provided that the western line of division between the British and Portuguese spheres of influence in Central Africa should be as follows :—

"It is agreed that the western line . . . shall follow the centre of the channel of the Upper Zambezi, starting from the Katima Rapids up to the junction with that river of the River Kabompo, and thence up the centre of the channel of the Kabompo."

The British South Africa Company protested that this line would cut through Barotseland; and in the new Treaty of 1891, which was duly ratified, the provision regarding Barotseland was as follows :—

"It is agreed that the western line of division . . . shall follow the centre of the channel of the Upper Zambezi, starting from the Katima Rapids up to the point where it reaches the territory of the Barotse Kingdom. That territory shall remain within the British sphere, its limits to the westward, which will constitute the boundary between the British and Portuguese spheres of influence being decided by a Joint Anglo-Portuguese Commission. . . ."

During the course of negotiations it was proposed by the German Ambassador, who appears to have intervened privately in favour of Portugal, that the permanent line should be the Zambezi and its affluent issuing from Lake Djilolo, thus throwing into the British sphere the triangle between that affluent and the Kabompo, and assigning absolutely to Portugal everything beyond that line. There is apparently no record of any statement to the Portuguese Government of our reasons for rejecting the

wording of the unratified Treaty, but the Portuguese Minister was, no doubt, told verbally that we did so because we did not know how far west the Barotse Kingdom extended.

On the 14th November, 1890, a *modus vivendi* was signed which put into force provisionally the territorial arrangements of the unratified Treaty of that year. After the ratification of the Treaty of 1891 another *modus vivendi* was signed, namely, on the 31st May, 1893. It provided as follows :—

"Pending the delimitation . . . the line formed by the course of the Zambezi from the cataracts at Katima up to its confluence with the Kabompo River, and thence by the course of the Kabompo River shall be the provisional boundary . . . and the provisions of Article VIII of the Treaty . . . shall be applicable to the territories separated by the said provisional boundary until a definitive boundary shall have been substituted in its stead."

Article VIII runs as follows :—

"The two Powers engage that neither will interfere with any sphere of influence assigned to the other by Articles I to VI. One Power will not, in the sphere of the other, make acquisitions, conclude Treaties, or accept sovereign rights or Protectorates.

"It is understood that no Companies nor individuals subject to one Power can exercise sovereign rights in a sphere assigned to the other, except with the assent of the latter."

Therefore, until the western limits of the Barotse Kingdom are ascertained, territory west of the Zambesi and north of the Kabompo is provisionally within the Portuguese sphere, and we are prevented from interfering with it.

We have, however, protested against the extension of Portuguese administration, and against any acts of Portuguese sovereignty within what we believe to be the Barotse Kingdom.

The Portuguese have, it is true, built a few forts ; they allow the Slave Trade and sell arms to the natives. The two latter proceedings make them popular with the section of the natives, who profit by them. But as yet they have done nothing either to create anti-Barotse evidence or to destroy the large amount of pro-Barotse evidence which still exists.

There is ample evidence of the Slave Trade ; but the evidence will not be accepted by the Portuguese Government, who will maintain that

the slave caravans are convoys of free labourers going to execute their indentures at Loanda.

Even if Lewanika were allowed to suppress the Slave Trade in the territories placed provisionally under Portugal, and otherwise to make good his claims by force of arms, the Portuguese will say that they entirely deny his over-lordship. They will assist, or compel, the alleged vassals to resist Lewanika. We are bound by the *modus vivendi* not to interfere ourselves, and probably bound to keep back Lewanika. Regular war will be lighted up in the region, and the pro-Barotse evidence, which we are on the point of collecting, will be destroyed.

It would probably be better to let things be until the evidence has been collected; we could then make up our mind as to its value, and act accordingly.

In the meantime the diplomatic position is secure. The territory west of the Zambezi is only provisionally under Portugal, and it is provided that the *modus vivendi* shall not prejudice the ultimate territorial rights of Great Britain or of Portugal. There is, moreover, ample evidence that Lewanika's omission to make good his claim by force of arms over his vassals is due purely and simply to our obligations under the *modus vivendi*.

The *modus vivendi* can be denounced at any time. But as I understand Article IX of that document, the delimitation must begin before the expiration of the three months' notice of denunciation. The delimitation cannot, however, begin until after the Court of Arbitration has given its Award defining the frontier.

H. F.

Foreign Office,
July 2, 1902.

APPENDIX.

Extract from the Unratified Treaty of August 25, 1890, *between Great Britain and Portugal.*

Article IV. It is agreed that the western line of division separating the British from the Portuguese sphere of influence in Central Africa shall follow the centre of the channel of the Upper Zambesi, starting from the Katima Rapids up to the junction with that river of the River Kabompo, and thence up the centre of the channel of the Kabompo.

The country hereby recognized as Portuguese shall not, without the consent of Great Britain, be transferred to any other Power.

It is understood on both sides that nothing in this Article shall affect the existing rights of any other State. Subject to this reservation, Great Britain will not oppose the extension of the Portuguese sphere of influence beyond the above-mentioned limits.

Extracts from the Ratified Treaty of June 11, 1891, *between Great Britain and Portugal.*

Article IV. It is agreed that the western line of division separating the British from the Portuguese sphere of influence in Central Africa shall follow the centre of the channel of the Upper Zambesi, starting from the Katima Rapids up to the point where it reaches the territory of the Barotse Kingdom. That territory shall remain within the British sphere; its limits to the westward, which will constitute the boundary between the British and Portuguese spheres of influence, being decided by a Joint Anglo-Portuguese Commission, which shall have power, in case of difference of opinion, to appoint an Umpire.

It is understood on both sides that nothing in this Article shall affect the existing rights of any other State. Subject to this reservation, Great Britain will not oppose the extension of Portuguese administration outside the limits of the Barotse country.

Article VIII. The two Powers engage that neither will interfere with any sphere of influence assigned to the other by Articles I to VI. One Power will not, in the sphere of the other, make acquisitions, conclude Treaties, or accept sovereign rights or Protectorates.

It is understood that no Companies nor individuals subject to one Power can exercise sovereign rights in a sphere assigned to the other, except with the assent of the latter.

Extracts from the Modus Vivendi *of May* 31 (*June* 5), 1893, *between Great Britain and Portugal.*

Article V. Pending the delimitation of a boundary-line as laid down in Article IV of the Treaty of the 11th June, 1891, the line formed by the course of the Zambesi from the cataracts at Katima up to its confluence with the Kabompo River, and thence by the course of the Kabompo, shall be the provisional boundary between the respective spheres of influence in that region; and the provisions of Article VIII of the Treaty above referred to shall be applicable to the territories separated by the said provisional boundary until a definitive boundary shall have been substituted in its stead.

Article X. Neither in the Nyassaland, nor in the Loangwa, nor in the Barotse territories shall the *modus vivendi* be held as prejudging in any way the ultimate territorial rights of Great Britain or of Portugal.

Article XI. The *modus vivendi* shall continue in force till the 1st July, 1896. After that date, it may be denounced by either Government with three months' notice, the work of delimitation to begin before the expiration of the three months.

The *modus vivendi* shall not interfere with, or be vitiated by, any delimitation which it may be found possible, during its continuance, to carry out of any portion or portions of the frontier-line.

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Foreign Office,
July 2, 1902.

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